THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.18460 of 2003

Dated: 27.11.2007

Between

Gaddam Satyanarayana

…Petitioner

And

The Special Deputy Collector,
L.A.Unit, Singareni Colleries Company Ltd.,
At Vittalnagar, 5 in Cline Colony,
Godavarikhani, Karimnagar District

…Respondent

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.18460 of 2003

ORDER:

This writ petition is filed by one of the claimants in a land acquisition proceedings to declare that the non-passing of award under Section 18 of the Land Acquisition Act, 1894 (for short "the Act") in respect of the land of the petitioner, as arbitrary, contrary to law and violative of principles of natural justice.

The petitioner contended that the respondent acquired the lands of various claimants including the land of three acres of the petitioner. Though the petitioner made an application to refer the matter to the Civil Court under Section 18 of the Act and though there was an order regarding enhancement of compensation in respect of the land belonging to other claimants, the Civil Court did not pass any order in respect of his land. Though originally there was a dispute regarding the title of the property, there was a compromise, and the other claimants conceded that the petitioner is liable to get compensation in respect of three acres of land situated in Survey No.631 of Jallaram Village, Kamanpur Mandal, Karimnagar District.

After going through the impugned order, it is noticed that there was no whisper about the claim made by the petitioner in the order. Further, it appears that the petitioner filed I.A.No.72 of 2007 before the lower Court to consider his claim also. But the said application is still pending.

In the light of the above circumstances, the writ petition is allowed directing the Civil Court i.e., the Senior Civil Judge, Manthani to consider the representation of the petitioner under Section 18 of the Act, conduct an enquiry after giving opportunity to all parties and pass

appropriate orders regarding the enhancement of compensation. No costs.

Dr. G. Yethirajulu, J

Date: 27.11.2007
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